

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HU-FRIEDY MFG. CO., LLC,

Plaintiff,

v.

DENTSPLY SIRONA, INC.

Defendant.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Hu-Friedy Mfg. Co., LLC (“Hu-Friedy”), for its Complaint against Defendant Dentsply Sirona, Inc. (“Dentsply”), alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for patent infringement.

PARTIES

2. Hu-Friedy is a Delaware limited liability corporation with its principal place of business located within this judicial district at 3232 North Rockwell Street, Chicago, IL 60618.
3. Upon information and belief, Dentsply is a Delaware corporation with its principal place of business at 221 West Philadelphia Street, York, PA 17405.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over the patent infringement claims under 28 U.S.C. §§ 1331 and 1338.

5. This Court has personal jurisdiction over Dentsply under the Illinois Long Arm Statute, 735 ILCS § 2-209(a)(2). Dentsply regularly conducts business in Illinois and engages in systematic and continuous contacts within the State of Illinois, and in particular within this judicial district. For example, one of Dentsply's principal manufacturing and assembly facilities is located in Des Plaines, Illinois. Further, Dentsply has committed acts of patent infringement that it has directed within the State of Illinois.

6. This district has proper venue under 28 U.S.C. §§ 1391(c) and 1400(b) because a substantial part of the events or omissions giving rise to Hu-Friedy's claims occurred in this district.

FACTS

I. The Hu-Friedy Patent

7. Hu-Friedy was founded in Chicago in 1908 and since that time has become a world leader in high-end dental instruments and products.

8. Hu-Friedy entered the ultrasonic scaling market in 1996.

9. Ultrasonic scalers are used in dental offices for removing hard and soft deposits from teeth. The tip of the instrument vibrates at ultrasonic frequency and helps to break loose hard and soft deposits that have attached to the tooth surface.

10. To access all surfaces of the upper and lower teeth, the person operating the ultrasonic scaler must position the scaler tip at various angles. This positioning can be cumbersome and lead to hand fatigue.

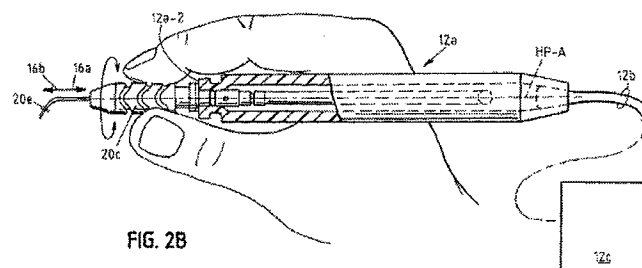
11. Ultrasonic scalers are attached by a cord to a water source and an electrical source. As the operator maneuvers the scaler tip into various positions, the cord may be subjected to torque (twisting forces).

12. To address these problems, Hu-Friedy's engineers invented a swivel mechanism that allows operators to rotate and position the scaler tip, with one hand, by lightly twisting the grip on the instrument.

13. U.S. Patent No. 7,011,520 ("the '520 Patent") addresses Hu-Friedy's innovative swivel feature for ultrasonic scalers.

14. Hu-Friedy owns all right, title and interest to '520 patent, which the United States Patent and Trademark Office issued on March 14, 2006. A true and correct copy of the '520 patent is attached as Exhibit 1.

15. This feature is illustrated in Fig. 2B from the '520 patent, reproduced below.



16. The '520 invention allows the operator to maneuver the scaler tip with minimal effort, with one hand, and without affecting the cord.

17. At the time Hu-Friedy invented this feature, no other company was selling an ultrasonic scaler with a swiveling tip.

18. The Hu-Friedy products that embody the '520 invention have proven to be very popular and have enjoyed enormous commercial success.

II. Dentsply's Infringement

19. Dentsply infringes the '520 patent by making, using, selling, offering to sell, and/or importing products that infringe at least one claim of the '520 patent. For example,

Dentsply's Cavitron® Steri-Mate® 360 Detachable Handpiece assembly infringes at least claim 12 of the '520 patent.

20. According to Dentsply's advertising, "SteriMate 360 Handpiece enables a clinician to rotate the insert while holding the nose of the handpiece allowing for adjustable hand positioning and free flowing movement and access of the oral cavity."

21. Dentsply's advertising also states that the SteriMate 360 is: "Designed to keep the wrist in a neutral position and limit wrist movement during scaling procedures."

22. Dentsply's website offers the following illustration of the Steri-Mate® 360:



COUNT I—DENTSPLY'S INFRINGEMENT OF THE '520 PATENT

23. Hu-Friedy incorporates the allegations contained in paragraphs 1 through 22 of this Complaint as though fully set forth in this paragraph.

24. Dentsply has been, and currently is, infringing the '520 patent (including, for example, claim 12) by making, using, selling, offering to sell and/or importing products (including without limitation, the Steri-Mate® 360) embodying the claimed invention.

25. Unless Dentsply is enjoined, it will continue to infringe the '520 patent.

26. Hu-Friedy is being irreparably harmed by Dentsply's infringement. Unless it is enjoined, Dentsply will continue to harm Hu-Friedy irreparably. Monetary damages alone will not compensate Hu-Friedy adequately for this harm.

WHEREFORE, Hu-Friedy asks this Court to:

- a. Find that the '520 patent is valid and enforceable;
- b. Find that Dentsply has infringed the '520 patent;
- c. Permanently enjoin Dentsply from infringing the '520 patent;
- d. Award Hu-Friedy damages sufficient to compensate it for Dentsply's past infringement of the '520 patent, together with costs and prejudgment interest; and
- e. Award Hu-Friedy such other and further relief as may be just and proper under the circumstances.

Dated: January 12, 2017

Respectfully submitted:

S/Edward H. Rice

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